

CAUSE NO. \_\_\_\_\_

TINA LUNA,  
*Plaintiff*

VS.

APRIL SHARPLESS, VANTAGE  
MOBILITY ACQUISITION  
CORPORATION D/B/A AMS VANS,  
LLC, and BEYOND MOBILITY, INC.  
D/B/A AMS VANS, INC.  
*Defendants*§  
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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

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**PLAINTIFF'S ORIGINAL PETITION**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, TINA LUNA, complaining of Defendants, APRIL SHARPLESS, VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC, and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. and for cause of action would respectfully show the following:

**I. DISCOVERY LEVEL**

1.1 Plaintiff intends to conduct discovery in this matter under Level 2 of Rule 190 of the TEXAS RULES OF CIVIL PROCEDURE.

1.2 Pursuant to Rule 47(c)(3), as amended, Plaintiff seeks only monetary relief over \$250,000.00 but not more than \$1,000,000.00, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

**II. PARTIES**

2.1 Plaintiff TINA LUNA is an individual residing in Harris County, Texas. The last three digits of Plaintiff Luna's driver's license number are 584. The last three digits of Plaintiff Luna's Social Security number are 411.

EXHIBIT "A"

2.2 Defendant, APRIL SHARPLESS, an individual who is a nonresident of Texas and whose home is located at 4131 Fox Run Trail, Apt. 4, Cincinnati, OH 45255 may be served with process by serving the Chairman of the Texas Transportation Commission at 125 E. 11th Street, Austin, Texas 78701, as defendant's agent for service because defendant was a party to a collision or accident while operating a motor vehicle in Texas. TEX. CIV. PRAC. & REM. CODE ANN. §§ 17.062(a), 17.063. **Issuance of citation is requested at this time.**

2.3 Defendant, VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC, a Rhode Island corporation, is registered to do business in Texas and may be served through its registered agent, Corporation Service Company dba CSC – Lawyers Incorporating Service Company, 211 E. 7th St., Ste. 620, Austin, Texas 78701-3218. **Issuance of citation is requested at this time.**

2.4 Defendant, BEYOND MOBILITY INC. D/B/A AMS VANS, INC., a Texas corporation, is registered to do business in Texas and may be served through its registered agent, Tamara M. Holland, 3414 Swenson, Pearland, Texas 77581. **Issuance of citation is requested at this time.**

### **III. VENUE AND JURISDICTION**

3.1 Jurisdiction is proper in this Court because the Plaintiff has suffered damages within the jurisdictional limits of this Court.

3.2 Venue is proper in Harris County, Texas, pursuant to § 15.002(a)(1) of the Texas Civil Practice and Remedies Code because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County.

### **IV. BACKGROUND FACTS**

4.1 On or about September 28, 2021, in Harris County, Texas, Plaintiff TINA LUNA

was traveling eastbound on the South Sam Houston Parkway at or near the intersection of IH 45. Plaintiff TINA LUNA had slowed down due to traffic conditions.

4.2 Defendant APRIL SHARPLESS was also traveling eastbound on the South Sam Houston Parkway approaching the same intersection of IH 45 behind Plaintiff TINA LUNA. Defendant APRIL SHARPLESS failed to keep a proper lookout and failed to timely apply her brakes causing a rear-end collision with Plaintiff TINA LUNA. As a result of the collision, Plaintiff TINA LUNA suffered severe injuries and damages.

4.3 Nothing Plaintiff did or failed to do on this occasion caused or contributed to the cause of the collision. Rather, it was the negligence of the Defendants named herein which proximately caused the occurrence and Plaintiff's resulting injuries and damages.

4.4 The vehicle that caused the accident by failing to keep a proper lookout and failed to timely apply her brakes was operated by Defendant APRIL SHARPLESS and owned by Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. At the time of the collision, Defendant APRIL SHARPLESS was in the course and scope of her employment with or was the borrowed servant of Defendant VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC.

4.5 Nothing Plaintiff did or failed to do on this occasion caused or contributed to cause the accident. Rather, it was the negligence of the Defendants named herein which proximately caused the occurrence and Plaintiff's resulting injuries and damages.

**V. CAUSE OF ACTION 1: NEGLIGENCE (DEFENDANT APRIL SHARPLESS)**

5.1 Plaintiff incorporates herein by reference Paragraphs 1 through 4, inclusive, of this Petition.

5.2 Defendant APRIL SHARPLESS had a duty to exercise ordinary care and operate her vehicle reasonably and prudently.

5.2 Defendant APRIL SHARPLESS breached the duty of care in one or more of the following ways, each of which acts and/or omissions, individually or collectively, constitutes negligence which proximately caused the collision and the resulting injuries and damages to Plaintiff:

- a. Failing to maintain a proper lookout;
- b. Failing to make timely application of the brakes of her vehicle;
- c. Following closer than a reasonably prudent person would have done under the same or similar circumstances;
- d. Failing to control the speed of her vehicle;
- e. Failing to bring her vehicle to a stop before it collided with Plaintiff's vehicle;
- f. Failing to drive in a reasonably attentive manner;
- g. Failing to take proper evasive action in order to avoid the collision;
- h. Failing to avoid the collision;
- i. Being inattentive and failing to maintain proper control of her vehicle; and
- j. Operating her vehicle in a reckless manner.

Each of the foregoing acts of negligence was a proximate cause of Plaintiff's resulting injuries and damages.

5.3 Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., are legally responsible to Plaintiff for the negligent conduct of Defendant APRIL SHARPLESS, under the legal doctrines of respondeat superior, agency and/or ostensible agency because Defendant,

APRIL SHARPLESS, was at all times material hereto an agent, ostensible agent, servant and/or employee of VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., and was acting within the course and scope of such agency or employment. As a result thereof, Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., are liable for all negligence of Defendant APRIL SHARPLESS.

**CAUSE OF ACTION 2: NEGLIGENCE PER SE (DEFENDANT APRIL SHARPLESS)**

5.4 Plaintiff incorporates herein by reference Paragraphs 1 through 4, inclusive, of this Petition.

5.5 Defendant APRIL SHARPLESS had a duty to exercise ordinary care and operate her vehicle reasonably and prudently.

5.6 Specifically, Defendant breached the duty of care and was negligent *per se* in the operation of a motor vehicle in the following manner:

- a. Violation of the laws of the State of Texas, including Texas Transportation Code §545.062(a), Defendant failed to maintain an assured clear distance between two vehicles so that, considering the speed of the vehicles, traffic, and the conditions of the highway, the operator can safely stop without colliding with the preceding vehicle or veering into another vehicle, object, or person on or near the highway;
- b. Violation of the laws of the State of Texas, including Texas Transportation Code §545.351(a)(b)(1)(2)(c)(5), Defendant failed to not operate her vehicle at a speed greater than reasonable or prudent under the circumstances. Defendant failed to control the speed of her vehicle as necessary to avoid colliding with another person or vehicle that is on the highway in compliance with law and the duty of each person to use due care. Defendant failed to recognize that a special hazard existed with regard to traffic, or highway conditions; and
- c. Violation of the laws of the State of Texas, including Texas Transportation Code §545.401, Defendant failed to not drive with willful or wanton disregard for the safety of persons or property.

5.7 The statutes above are designed to protect a class of persons to which Plaintiff

belongs against the type of injury suffered by Plaintiff. The statutes are of the type that imposes tort liability. Defendant APRIL SHARPLESS' violation of the statutes was without a legal excuse.

5.8 Defendant APRIL SHARPLESS' breach of duty imposed by the statutes proximately caused injury to Plaintiff, which resulted in damages described herein.

5.9 Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., are legally responsible to Plaintiff for the negligent conduct of Defendant APRIL SHARPLESS, under the legal doctrines of respondeat superior, agency and/or ostensible agency because Defendant, APRIL SHARPLESS, was at all times material hereto an agent, ostensible agent, servant and/or employee of VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., and was acting within the course and scope of such agency or employment. As a result thereof, Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., are liable for all negligence of Defendant APRIL SHARPLESS.

**CAUSE OF ACTION 3: NEGLIGENCE (DEFENDANTS VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC AND BEYOND MOBILITY INC. D/B/A AMS VANS, INC.)**

5.10 Plaintiff incorporates herein by reference Paragraphs 1 through 4, inclusive, of this Petition.

5.11 Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., were negligent in hiring and retaining an incompetent or unfit employee and/or in failing to properly train, instruct and supervise Defendant APRIL SHARPLESS. Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC.

D/B/A AMS VANS, INC., failed to provide the proper training and instruction to Defendant APRIL SHARPLESS, which would have provided her with the proper skills and knowledge to avoid the collision which forms the basis of this lawsuit. Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC.'s negligent hiring of and failure to properly instruct and train its driver was a proximate cause of the collision and Plaintiff's claims and damages.

**CAUSE OF ACTION 4: GROSS NEGLIGENCE (ALL DEFENDANTS)**

5.12 Plaintiff incorporates herein by reference Paragraphs 1 through 4, inclusive, of this Petition.

5.13 Defendants were grossly negligent and acted with malice, as that term is understood under Texas law, and such conduct was a proximate cause of Plaintiff's injuries and damages. Defendant APRIL SHARPLESS disregarded traffic laws and the safety of Plaintiff by driving at excessive speeds and not maintaining an appropriate distance from Plaintiff's vehicle. Defendant APRIL SHARPLESS' actions while operating a large and heavy commercial van involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Nevertheless, Defendant APRIL SHARPLESS proceeded to make the improper left turn from a forward-travel-only center lane with her tractor-trailer with conscious indifference to the rights, safety, or welfare of others. Defendants' malicious and grossly negligent conduct justifies the imposition of punitive and exemplary damages both as punishment to Defendants for their callous disregard and as a deterrent to others from engaging in similar conduct. Plaintiffs therefore ask for punitive and exemplary damages in addition to all actual damages.

5.14 Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., are legally

responsible to Plaintiff for the grossly negligent conduct of Defendant APRIL SHARPLESS, under the legal doctrines of respondeat superior, agency and/or ostensible agency because Defendant, APRIL SHARPLESS, was at all times material hereto an agent, ostensible agent, servant and/or employee of VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., and was acting within the course and scope of such agency or employment. As a result thereof, Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC., are liable for all gross negligence of Defendant APRIL SHARPLESS.

## **VI. RESPONDEAT SUPERIOR**

6.1 Plaintiff incorporates herein by reference Paragraphs 1 through 5, inclusive, of this Petition.

6.2 At the time and on the occasion in question, Defendant APRIL SHARPLESS was employed by Defendants VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. and was in the course and scope of her employment and was working in the furtherance of the affairs of her employer, and for the accomplishment of the object for which she was employed. VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. had the right of control over their personnel who were in the furtherance of a mission for the benefit of VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. and was subject to its control as to the details of the mission. Plaintiff will show that Defendant VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. is vicariously liable for the acts of its



authorized operators, employees, agents, or servants.

## **VII. DAMAGES**

7.1 Plaintiff incorporates herein by reference Paragraphs 1 through 6, inclusive, of this Petition.

7.2 Plaintiff TINA LUNA suffered severe personal injuries as a proximate result of the Defendants' wrongful acts, neglect, and/or carelessness as set forth herein. Accordingly, she requests the trier of fact to award damages in the following areas:

- (1) Physical pain and mental anguish, both past and future;
- (2) Reasonable and necessary medical expenses, both past and future; and
- (3) Loss of wage earnings and/or loss of earning capacity, both past and future.

## **VIII. EXEMPLARY DAMAGES**

8.1 Pursuant to §§ 41.001(7) and 41.003(a)(2) of the Tex. Civ. Prac. & Rem. Code, Plaintiff seeks exemplary damages proximately caused by Defendants' malice, negligence, willful acts, and omissions. Plaintiff also seeks exemplary damages pursuant to §§ 41.001(11) and 41.003(a)(3) of the Tex. Civ. Prac. & Rem. Code.

## **IX. PRE- AND POST-JUDGMENT INTEREST**

9.1 Plaintiff will additionally show she is entitled to recover pre- and post-judgment interest in accordance with law and equity as part of their damages herein, and Plaintiff here and now sues for recovery of pre- and post-judgment interest as provided by law and equity, under the applicable provision of the laws of the State of Texas.

## **X. REQUIRED INITIAL DISCLOSURES**

10.1 Pursuant to Texas Rule of Civil Procedure 194(a), Defendant is required to disclose, within thirty (30) days of the filing of the first answer, the information or materials described in

Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

**PRAYER**

Plaintiff TINA LUNA prays that Defendants APRIL SHARPLESS, VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC, and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. be cited to appear and answer herein; that upon final hearing, she have judgment against Defendants APRIL SHARPLESS, VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLC, and BEYOND MOBILITY INC. D/B/A AMS VANS, INC. for a sum within the jurisdictional limits of the Court, with interest both pre-judgment and post-judgment; for costs of suit; and for such other and further relief, general and special, legal and equitable, to which Plaintiff may be justly entitled.

Respectfully submitted,

**FARRAR & BALL, LLP**

*/s/ Nathan Koneru*

\_\_\_\_\_  
NATHAN KONERU

State Bar No. 24095631

1117 Herkimer Street

Houston, Texas 77008

713.221.8300 - Telephone

713.221.8301 – Facsimile

Email: [nathan@fbtrial.com](mailto:nathan@fbtrial.com)

***ATTORNEY FOR PLAINTIFF***



# Marilyn Burgess

## HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

1/21/2022 2:43:24 PM  
Marilyn Burgess - District Clerk  
Harris County  
Envelope No: 61041255  
By: HALL, JOSHUA E  
Filed: 1/21/2022 2:43:24 PM

**Request for Issuance of Service**

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original PetitionFILE DATE: 01/21/2022 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: April SharplessAddress of Service: 4131 Fox Run Trail, Apt. 4City, State & Zip: Cincinnati, Ohio 45255Agent (if applicable) Chairman of The Texas Transportation Commission

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
- ☐ Temporary Restraining Order ☐ Precept ☐ Notice
- ☐ Protective Order
- ☐ Secretary of State Citation (\$12.00) ☐ Capias (not by E-Issuance) ☐ Attachment (not by E-Issuance)
- ☐ Certiorari ☒ Highway Commission (\$12.00)
- ☐ Commissioner of Insurance (\$12.00) ☐ Hague Convention (\$16.00) ☐ Garnishment
- ☐ Habeas Corpus (not by E-Issuance) ☐ Injunction ☐ Sequestration
- ☐ Subpoena
- ☐ Other (Please Describe) \_\_\_\_\_

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- ☐ ATTORNEY PICK-UP (phone) \_\_\_\_\_
- ☐ MAIL to attorney at: \_\_\_\_\_
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk
- ☒ E-Issuance by District Clerk  
(No Service Copy Fees Charged)  
*Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.  
Visit www.hcdistrictclerk.com for more instructions.*
- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Nathan Koneru Bar # or ID 24095631Mailing Address: 1117 Herkimer St., Houston, Texas 77008Phone Number: 713-221-8300

**Marilyn Burgess**

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

1/21/2022 2:43:24 PM  
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Envelope No: 61041255  
By: HALL, JOSHUA E  
Filed: 1/21/2022 2:43:24 PM**Request for Issuance of Service**

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Name(s) of Documents to be served: Plaintiff's Original PetitionFILE DATE: 01/21/2022 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: VANTAGE MOBILITY ACQUISITION CORPORATION D/B/A AMS VANS, LLCAddress of Service: 211 E. 7th St., Ste. 620City, State & Zip: Austin, Texas 78701-3218Agent (if applicable) Corporation Service Company dba CSC - Lawyers Incorporating Service Company

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

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- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
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- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Nathan Koneru Bar # or ID 24095631Mailing Address: 1117 Herkimer St., Houston, Texas 77008Phone Number: 713-221-8300

**Marilyn Burgess****HARRIS COUNTY DISTRICT CLERK**

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

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Name(s) of Documents to be served: Plaintiff's Original PetitionFILE DATE: 01/21/2022 Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: BEYOND MOBILITY INC. D/B/A AMS VANS, INC.Address of Service: 3414 SwensonCity, State & Zip: Pearland, Texas 77581Agent (if applicable) Tamara M. Holland

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- ☒ Citation ☐ Citation by Posting ☐ Citation by Publication ☐ Citations Rule 106 Service
- ☐ Citation Scire Facias Newspaper \_\_\_\_\_
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(See additional Forms for Post Judgment Service)

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- ☐ CIVIL PROCESS SERVER - Authorized Person to Pick-up: \_\_\_\_\_ Phone: \_\_\_\_\_
- ☐ OTHER, explain \_\_\_\_\_

Issuance of Service Requested By: Attorney/Party Name: Nathan Koneru Bar # or ID 24095631Mailing Address: 1117 Herkimer St., Houston, Texas 77008Phone Number: 713-221-8300

CAUSE NO. 202204063

Marilyn Burgess - District Clerk Harris County

Envelope No. 61161198

By: A Davis

Filed: 1/26/2022 11:03 AM

RECEIPT No. 911262 TR# 73963470

EML

COPY OF PLEADING PROVIDED BY PLT

Plaintiff:

LUNA, TINA

vs.

Defendant:

SHARPLESS, APRIL

In The 269th

Judicial District Court of

Harris County, Texas

201 CAROLINE

Houston, Texas

## CITATION (STATE HIGHWAY COMMISSION)

THE STATE OF TEXAS

County of Harris

To: **SHARPLESS, APRIL MAY BE SERVED WITH PROCESS BY SERVING THE CHAIRMAN OF THE TEXAS TRANSPORTATION COMMISSION 125 E 11TH STREET AUSTIN TEXAS 78701 FORWARD TO:  
4131 FOX RUN TRAIL APT 4, CINCINNATI OH 45255**

Attached is a certified copy of: PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on January 21, 2022 in the above cited cause number and court.  
The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO OFFICER SERVING:

This citation was issued on January 24, 2022, under my hand and seal of said court.

Issued at the request of:

KONERU, NATHAN  
1117 HERKIMER STREET  
HOUSTON, TX 77008  
713-221-8300  
Bar Number: 24095631

*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas  
201 CAROLINE, Houston TX 77002  
(PO Box 4651, Houston, TX 77210)

Generated By: JOSHUA HALL

Tracking Number: 73963470

EML

**SERVICE AFFIDAVIT ATTACHED**

CAUSE NUMBER: 202204063

PLAINTIFF: LUNA, TINA

In the 269th

vs.

Judicial District Court of

DEFENDANT: SHARPLESS, APRIL

Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_. Executed at

(Address) \_\_\_\_\_  
\_\_\_\_\_ in

\_\_\_\_\_ County at \_\_\_\_\_ o'clock \_\_\_\_ M. On the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, by

Delivering to \_\_\_\_\_ defendant, in person, a true  
copy of this Citation together with the accompanying \_\_\_\_\_ copy (ies) of the PLAINTIFF'S  
ORIGINAL PETITION attached thereto and I endorsed on said copy of the Citation the  
date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of  
\_\_\_\_\_, 20.

Fees \$ \_\_\_\_\_

By \_\_\_\_\_  
Affiant

Deputy

On this day, \_\_\_\_\_, known to me to be the  
person whose signature appears on the foregoing return, personally appeared. After being by  
me duly sworn, he/she stated that this citation was executed by him/her in the exact manner  
recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF SERVICE****State of Texas****County of Harris****269th Judicial District Court**

Case Number: 202204063

Plaintiff:

**Tina Luna,**

vs.

Defendant:

**April Sharpless, et al.,**

For:

Farrar &amp; Ball, LLP

1117 Herkimer Street

Houston, TX 77008

Received by Lexitas (Houston) on the 25th day of January, 2022 at 9:16 am to be served on **April Sharpless by serving through the Chariman of the Texas Transportation Commission, 125 E 11th Street, Austin, Travis County, TX 78701.**

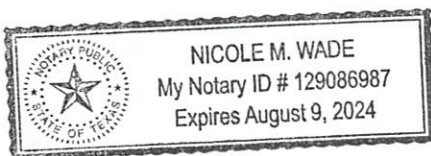
I, Dane Ray Cuppett, being duly sworn, depose and say that on the **25th day of January, 2022 at 3:24 pm, I:**

served the **TRANSPORTATION COMMISSION** by delivering in duplicate a true copy of the **Citation Corporate and Plaintiff's Original Petition** with the date of service endorsed thereon by me, to: **Jenna Townsend at 125 E 11th Street, Austin, Travis County, TX 78701**, as the designated agent for the Texas Transportation Commission to accept service of process on behalf of **April Sharpless**. An administrative fee of \$25.00 was also tendered.

My name is Dane Ray Cuppett, my date of birth is 10/9/1984 and my address is 604 West 9th Street, Suite B, Austin, TX 78701. I declare under penalty of perjury that the foregoing is true and correct.  
Executed in Travis County, Texas.

Subscribed and sworn to before me on the 25th  
day of January, 2022 by the affiant  
who is personally known to me.

NOTARY PUBLIC



Dane Ray Cuppett  
PSC-7114, Exp. 10/31/23

Date

1/25/2022  
**Lexitas (Houston)**  
**4299 San Felipe**  
**Suite 350**  
**Houston, TX 77027**  
**(713) 375-0121**

Our Job Serial Number: ATX-2022000800  
Ref: 368164



**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 61161198

Status as of 1/26/2022 11:05 AM CST

**Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Nathan Koneru		nathan@fbtrial.com	1/26/2022 11:03:02 AM	SENT
Andrew Grant		aj@fbtrial.com	1/26/2022 11:03:02 AM	SENT

CAUSE NO. 202204063

Marilyn Burgess - District Clerk Harris County

Envelope No. 61161198

By: A Davis

Filed: 1/26/2022 11:03 AM

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO: 911262 TRACKING NO: 73963471

EML

Plaintiff:  
LUNA, TINA

vs.

Defendant:  
SHARPLESS, APRILIn The 269th  
Judicial District Court of  
Harris County, Texas  
201 CAROLINE  
Houston, Texas

## CITATION CORPORATE

THE STATE OF TEXAS  
County of Harris

**To: VANTAGE MOBILITY ACQUISITION CORPORATION (DBA AMS VANS LLC) (A RHODE ISLAND CORPORATION) MAY BE SERVED BY SERVING THROUGH ITS REGISTERED AGENT CORPORATION SERVICE COMPANY DBA CSC-LAWYERS INCORPORATING SERVICE COMPANY  
211 E 7TH ST STE 620, AUSTIN TX 78701-3218**

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION

This instrument was filed on January 21, 2022 in the above cited cause number and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

This citation was issued on January 24, 2022, under my hand and seal of said court.

Issued at the request of:KONERU, NATHAN  
1117 HERKIMER STREET  
HOUSTON, TX 77008  
713-221-8300  
Bar Number: 24095631*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas  
201 CAROLINE Houston Texas 77002  
(PO Box 4651, Houston, Texas 77210)

Generated By: JOSHUA HALL

EML

Tracking Number: 73963471

CAUSE NUMBER: 202204063

PLAINTIFF: LUNA, TINA

vs.

DEFENDANT: SHARPLESS, APRIL

In the 269th

Judicial District Court of

Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_ M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Executed at

(Address) \_\_\_\_\_  
in

\_\_\_\_\_ County at o'clock \_\_\_\_ M. On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by

Delivering to \_\_\_\_\_ defendant, in person, a true copy of this Citation together with the accompanying \_\_\_\_\_ copy (ies) of the «Attachment». Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Fees \$ \_\_\_\_\_

\_\_\_\_\_  
Affiant

By \_\_\_\_\_  
Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF SERVICE**

State of Texas

County of Harris

269th Judicial District Court

Case Number: 202204063

Plaintiff:

**Tina Luna,**

vs.

Defendant:

**April Sharpless, et al.,**

For:

Farrar &amp; Ball, LLP

1117 Herkimer Street

Houston, TX 77008

Received by Lexitas (Houston) on the 25th day of January, 2022 at 9:16 am to be served on **Vantage Mobility Aquisition Corporation (dba AMS Vans LCC) (a Rhode Island corporation) by serving through its registered agent, Corporation Service Company dba CSC-Lawyers Incorporating Service Company, 211 E 7th Street, Suite 620, Austin, Travis County, TX 78701.**

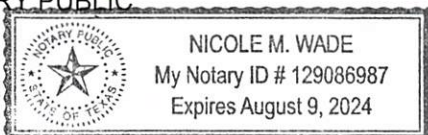
I, Dane Ray Cuppett, being duly sworn, depose and say that on the **25th day of January, 2022 at 3:04 pm, I:**

executed to the **REGISTERED AGENT** by delivering a true copy of the **Citation Corporate and Plaintiff's Original Petition** with the date of delivery endorsed thereon by me, to **Jim Herriman, Corporation Service Company dba CSC-Lawyers Incorporating Service Company** as the designated agent to accept delivery of process at the address of **211 E 7th Street, Suite 620, Austin, Travis County, TX 78701** on behalf of **Vantage Mobility Aquisition Corporation (dba AMS Vans LCC) (a Rhode Island corporation)** and informed said person of the contents therein.

My name is Dane Ray Cuppett, my date of birth is 10/9/1984 and my address is 604 West 9th Street, Suite B, Austin, TX 78701. I declare under penalty of perjury that the foregoing is true and correct.  
Executed in Travis County, Texas.

Subscribed and sworn to before me on the 25th day of January, 2022 by the affiant who is personally known to me.

NOTARY PUBLIC



Dane Ray Cuppett  
PSC-7114, Exp. 10/31/23

Date

1/25/2022  
**Lexitas (Houston)**  
**4299 San Felipe**  
**Suite 350**  
**Houston, TX 77027**  
**(713) 375-0121**

Our Job Serial Number: ATX-2022000802  
Ref: 368164

**Automated Certificate of eService**

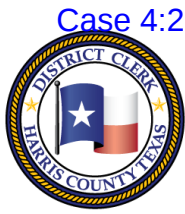
This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 61161198

Status as of 1/26/2022 11:05 AM CST

**Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Nathan Koneru		nathan@fbtrial.com	1/26/2022 11:03:02 AM	SENT
Andrew Grant		aj@fbtrial.com	1/26/2022 11:03:02 AM	SENT



# Marilyn Burgess

**HARRIS COUNTY DISTRICT CLERK**201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | [www.hcdistrictclerk.com](http://www.hcdistrictclerk.com)**Request for Issuance of Service****CASE NUMBER:** \_\_\_\_\_**CURRENT COURT:** \_\_\_\_\_**Name(s) of Documents to be served:** \_\_\_\_\_**FILE DATE:** \_\_\_\_\_ Month/Day/Year**SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):****Issue Service to:** \_\_\_\_\_**Address of Service:** \_\_\_\_\_**City, State & Zip:** \_\_\_\_\_**Agent (if applicable)** \_\_\_\_\_**TYPE OF SERVICE/PROCESS TO BE ISSUED:** (Check the proper Box)

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> Citation                              | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication        | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                 | Newspaper _____                                       |   |   |
| <input type="checkbox"/> Temporary Restraining Order           | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                         |   |
| <input type="checkbox"/> Protective Order                      |   |   |   |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not by E-Issuance)   | <input type="checkbox"/> Attachment (not by E-Issuance) |   |
| <input type="checkbox"/> Certiorari                            | <input type="checkbox"/> Highway Commission (\$12.00) |   |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)   | <input type="checkbox"/> Hague Convention (\$16.00)   | <input type="checkbox"/> Garnishment                    |   |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance)     | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration                  |   |
| <input type="checkbox"/> Subpoena                              |   |   |   |
| <input type="checkbox"/> Other (Please Describe) _____         |   |   |   |

(See additional Forms for Post Judgment Service)

**SERVICE BY (check one):**

- |  |   |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)   |
| <input type="checkbox"/> MAIL to attorney at: _____  | <b>Note:</b> The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br>Visit <a href="http://www.hcdistrictclerk.com">www.hcdistrictclerk.com</a> for more instructions. |
| <input type="checkbox"/> CONSTABLE   |   |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |   |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |   |
| <input type="checkbox"/> OTHER, explain _____  |   |

**Issuance of Service Requested By:** Attorney/Party Name: \_\_\_\_\_ Bar # or ID \_\_\_\_\_**Mailing Address:** \_\_\_\_\_**Phone Number:** \_\_\_\_\_

CAUSE NO. 202204063

Marilyn Burgess - District Clerk Harris County

Envelope No. 61499218

By: F Abdul-Bari

Filed: 2/7/2022 12:49 PM

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO. 921346  
TRACKING NO: 73967866

Plaintiff:

LUNA, TINA

vs.

Defendant:

SHARPLESS, APRIL

In The 269th Judicial District  
Court of Harris County, Texas

Houston, Texas

## CITATION (SECRETARY OF STATE CORPORATE NON-RESIDENT)

THE STATE OF TEXAS

County of Harris

To: BEYOND MOBILITY INC (D/B/A AMS VANS INC) (IS A TEXAS CORPORATION) MAY BE SERVED  
THROUGH THE TEXAS SECRETARY OF STATE P O BOX 12079 AUSTIN TEXAS 78711-2079  
FORWARD TO: REGISTERED AGENT TAMARA M HOLLAND  
6275 LAWRENCEVILLE HIGHWAY , TUCKER GA 30084

Attached is a copy of PLAINTIFF'S ORIGINAL PETITION.

This instrument was filed on January 21, 2022 in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 30 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

TO OFFICER SERVING:

This citation was issued on February 2, 2022, under my hand and seal of said court.

Issued at the request of:

Koneru, Nathan

1117 HERKIMER ST

Houston, TX 77008

713-221-8300

Bar Number 24095631

*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas

201 Caroline, Houston Texas 77002

(PO Box 4651, Houston, Texas 77210)

Generated By: RHONDA MOMON

Tracking Number: 73967866

CAUSE NUMBER: 202204063

PLAINTIFF: LUNA, TINA

vs.

DEFENDANT: SHARPLESS, APRIL

In the 269th

Judicial District Court of

Harris County, Texas

## SERVICE RETURN ATTACHED

### OFFICER - AUTHORIZED PERSON RETURN

Came to hand at \_\_\_\_\_ o'clock \_\_\_\_M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Executed at  
Address)\_\_\_\_\_ in  
\_\_\_\_\_ County at o'clock \_\_\_\_M. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
Summoning the \_\_\_\_\_ Delivering to  
\_\_\_\_\_in person a corporation By leaving in the principal office during  
office hours\_\_\_\_\_ of the said\_\_\_\_\_ a true copy of this  
notice, together with accompanying copy of \_\_\_\_\_To certify which I  
affix my hand officially this \_\_\_\_\_day of \_\_\_\_\_, 20\_\_\_\_.

Fees \$\_\_\_\_\_

\_\_\_\_\_

By\_\_\_\_\_

Affiant

Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature  
appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was  
executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public



**AFFIDAVIT OF SERVICE**

**State of Texas**

**County of Harris**

**269th Judicial District Court**

Case Number: 202204063

Plaintiff:

**Tina Luna,**

vs.

Defendant:

**April Sharpless, et al.,**

For:

Farrar & Ball, LLP

1117 Herkimer Street

Houston, TX 77008

Received by Lexitas (Houston) on the 2nd day of February, 2022 at 12:38 pm to be served on **Beyond Mobility, Inc. (d/b/a AMS Vans Inc.)** by serving through the **Texas Secretary of State, 1019 Brazos, Austin, Travis County, TX 78701.**

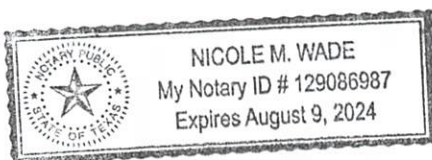
I, Dane Ray Cuppett, being duly sworn, depose and say that on the **2nd day of February, 2022** at 3:10 pm, I:

executed to the **SECRETARY OF STATE** by delivering in duplicate a true copy of the **Citation and Plaintiff's Original Petition** with the date of delivery endorsed thereon by me, to: **Michelle Robinson at 1019 Brazos, Austin, Travis County, TX 78701**, as the designated agent for the Texas Secretary of State to accept delivery of process on behalf of **Beyond Mobility, Inc. (d/b/a AMS Vans Inc.)**. An administrative fee of \$55.00 was also tendered.

I certify that I am over the age of 18, have no interest in the above action, and am a certified process server, in good standing, in the judicial circuit in which the foregoing occurred. The facts in this affidavit are within my personal knowledge and true and correct.

Subscribed and sworn to before me on the 2nd  
day of February, 2022 by the affiant  
who is personally known to me.

NOTARY PUBLIC



Dane Ray Cuppett  
Dane Ray Cuppett  
PSC-7114, Exp. 10/31/23  
2/02/2022  
Date

Lexitas (Houston)  
4299 San Felipe  
Suite 350  
Houston, TX 77027  
(713) 375-0121

Our Job Serial Number: ATX-2022001185  
Ref: 368164

**Automated Certificate of eService**

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 61499218

Status as of 2/7/2022 3:38 PM CST

**Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Nathan Koneru		nathan@fbtrial.com	2/7/2022 12:49:30 PM	SENT
Andrew Grant		aj@fbtrial.com	2/7/2022 12:49:30 PM	SENT